

Patent
2024677-7033292001**REMARKS****I. Claim rejections under § 102**

Claims 31-34, 41, 44-47, and 52-61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,075,499 (Edwards). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claimed elements must be found, either expressly or inherently, in the cited reference.

Claim 31

Claim 31 recites a processor configured to receive an input associated with a measured orientation of an antenna, compare the input with data associated with a desired mounting configuration of the antenna, and generate a signal based on the comparing. Edwards does not disclose or suggest such processor. Rather, Edwards discloses a computer with a GPS receiver for locating a base station (column 4, lines 46-50), a compass for establishing a direction of the base station (column 4, lines 50-51), and a signal measuring device for establishing the lowest path loss base station (column 4, lines 53-65). None of these devices are configured to receive an input associated with a measured orientation of the antenna assembly 10 in Edwards, much less, to compare the input with data associated with a desired mounting configuration, and to generate a signal based on the comparing. Notably, the “compass” in Edwards is used to determine a direction of the base station, and not to measure an orientation of the antenna assembly 10 (column 4, lines 50-51). In addition, it is understood from Edwards that it is the “installer,” and not a processor, that compares the antenna assembly 10 orientation with a desired mounting configuration of the antenna assembly 10 (which is determined using the computer, GPS receiver, compass, and the signal measuring device). For at least the foregoing reasons, claim 31 and its dependent claims are believed allowable over Edwards.

Claim 44

Claim 44 recites an antenna carrying a feedback device that provides a signal based on an orientation of the antenna and a desired mounting configuration of the antenna. (Emphasis Added) Edwards does not disclose or suggest such feedback device. Rather, Edwards discloses a computer with a GPS receiver for locating a base station (column 4, lines 46-50), a compass for

Patent
2024677-7033292001

establishing a direction of the base station (column 4, lines 50-51), and a signal measuring device for establishing the lowest path loss base station (column 4, lines 53-65). The computer, GPS receiver, compass, and signal measuring device, are understood to be tools used by an installer when installing the antenna assembly 10 of Edwards, and there is nothing in Edwards that discloses or suggests that any of these devices are carried by the antenna assembly 10. For at least the foregoing reason, claim 44 and its dependent claims are believed allowable over Edwards.

Claim 55

Claim 55 recites a method of initializing a feedback device that is secured to an antenna, wherein the method includes determining data associated with a desired mounting configuration of the antenna, the data determined based on a positional information of a base station, and inputting the data to the memory unit of the feedback device. (Emphasis Added) Edwards does not disclose such feedback device. Rather, Edwards specifically teaches using "a portable computer" to store data relating to position of wireless base stations (column 2, lines 45-52). To the extent that the portable computer in Edwards is analogized as the claimed feedback device, there is nothing in Edwards that disclose or suggest that the portable computer is secured, or configured to be secured, to the antenna. For at least the foregoing reason, claim 55 and its dependent claims are believed allowable over Edwards.

II. Claim rejections under § 103

Claims 1-30, 35-40, 42, 43, and 49-51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of U.S. Patent No. 6,683,581 (Matz). Without acquiesce to the basis of the claim rejections, claims 42 and 43 have been canceled without prejudice to pursue them in a related application.

Claims 1 and 16

Claims 1 and 16 recite a memory unit for storing data associated with a desired mounting configuration of the antenna, wherein the data comprises information regarding a position of a stationary base station, and a processor coupled to the compass and the memory unit (i.e., the

Patent
2024677-7033292001

memory unit is coupled, either directly or indirectly via the processor, to the compass). Neither Edwards nor Matz discloses or suggests such memory unit. As discussed, Edwards specifically teaches using "a portable computer" to store data relating to position of wireless base stations (column 2, lines 45-52). To the extent that the portable computer in Edwards is analogized as the memory unit, there is nothing in Edwards that disclose or suggest that the portable computer is coupled, or configured to be coupled, to the antenna. Matz also does not disclose or suggest the claimed memory unit, and therefore fails to make up the deficiency present in Edwards. In particular, Matz discloses receiving position indicating signal directly from a satellite, and therefore, does not disclose or suggest, but in fact teaches away from, storing positional information of a station in a memory unit. Since neither Edwards nor Matz discloses or suggests the above limitation, they cannot be combined to form the resulting subject matter of claims 1 and 16. For at least the foregoing reason, claims 1 and 16, and their respective dependent claims, are believed allowable over Edwards, Matz, and their combination.

Claims 1 and 16 also recite a processor configured to generate a signal based on a measured orientation of the antenna by the compass and data associated with a desired mounting configuration of the antenna stored in the memory unit. Edwards does not disclose or suggest such processor. Rather, Edwards discloses a computer with a GPS receiver for locating a base station (column 4, lines 46-50), a compass for establishing a direction of the base station (column 4, lines 50-51), and a signal measuring device for establishing the lowest path loss base station (column 4, lines 53-65). None of these devices are configured to generate a signal based on a measured orientation of the antenna assembly 10 in Edwards and data associated with a desired mounting configuration of the antenna assembly 10. Also, it is understood from Edwards that it is the "installer" that compares the antenna assembly 10 orientation with a desired mounting configuration of the antenna assembly 10 (which is determined using the computer, GPS receiver, compass, and the signal measuring device, as described in Edwards). As such, in Edwards, there is no need for a processor to generate a signal based on a measured orientation of the antenna assembly 10 and data associated with a desired mounting configuration of the antenna assembly 10. Matz also does not disclose or suggest the claimed processor, and therefore fails to make up the deficiency present in Edwards. In particular, Matz discloses generating a signal based on an orientation of the antenna, and not based on the combination of a

Patent
2024677-7033292001

measured antenna orientation and data associated with a desired mounting configuration of the antenna. Since neither Edwards nor Matz discloses or suggests the above limitation, they cannot be combined to form the resulting subject matter of claims 1 and 16. For this additional reason, claims 1 and 16, and their respective dependent claims, are believed allowable over Edwards, Matz, and their combination.

Patent
2024677-7033292001


CONCLUSION

If the Examiner has any questions or comments regarding this response, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7010755001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7010755001.

DATE: May 23, 2006

Respectfully submitted,

By: 
Gerald Chan
Registration No. 51,541

Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (650) 849-4960
Facsimile: (650) 849-4800